

## **REMARKS**

### **I. Introduction**

Claims 10 to 20 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the acknowledgment that all certified copies of the priority documents have been received.

### **II. Rejection of Claims 10 to 13, and 18 to 20 Under 35 U.S.C. § 102(b)**

Claims 10 to 13, and 18 to 20 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,269,900 ("Adams et al."). It is respectfully submitted that Adams et al. do not anticipate the present claims for at least the following reasons.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 10, as presented, relates to a safety device for a motor vehicle, including, *inter alia*, the features of a front-end structure, a front bulkhead, and a brake apparatus including a brake cylinder. The brake cylinder further includes the feature of a pivot device, the pivot device including a fastening portion and a slide portion having a slide plane, wherein *the slide portion includes four planar faces forming a cavity*. Support for the amendments may be found, e.g., in the Specification at page 8, lines 8 to 14, and 24 to 28; page 9, lines 4 to 9; and Figures 2 to 5.

Adams et al. do not disclose, or even suggest, all of the claimed features of claim 10, as presented. Adams et al. merely indicate "a laterally outward projecting supporting projection 12" (Adams et al., col. 4, lines 45 to 55), "a

supporting bearing 12a" (Adams et al., col. 5, lines 52 to 65), or a "compound bearing 12b ... configured in a simple manner as a guide pin." (Adams et al., col. 6, lines 52 to 54). However, nowhere do Adams et al. disclose, or even suggest, the feature that *a slide portion includes four planar faces forming a cavity*, as provided for in the context of claim 10, as presented.

Accordingly, Adams et al. do not disclose, or even suggest, all of the features included in claim 10, as presented. As such, it is respectfully submitted that Adams et al. do not anticipate claim 10.

As for claims 11 to 13, and 18, which depend from and therefore include all of the features included in claim 10, it is respectfully submitted that Adams et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above.

Claims 19 and 20, as presented, include features similar to those of claim 10, as presented. Accordingly, it is respectfully submitted that claims 19 and 20, as presented, are allowable for essentially the same reasons provided above.

In view of all the foregoing, withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claims 11 to 20 Under 35 U.S.C. § 103(a)**

Claims 11 to 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 5,890,358 ("Verbo et al.") and Adams et al. It is respectfully submitted that the combination of Verbo et al. and Adams et al. does not render unpatentable the presently pending claims for at least the following reasons.

Claims 11 to 18 depend from claim 10, as presented. As more fully set forth above, Adams et al. do not disclose, or even suggest, the feature that *a slide portion includes four planar faces forming a cavity*.

Verbo et al. also do not disclose, or even suggest, the feature that *a slide portion includes four planar faces forming a cavity*, as provided for in the context of claim 10, as presented. Verbo et al. merely indicate an impact deflector 3 having a lower rib 33 with a changing height H. (Verbo et al., col. 2, lines 36 to 44). However, nowhere do Verbo et al. indicate that its lower rib 33 includes four planar faces forming a cavity. Further, the Office Action at pages 5 to 6 contends that the impact deflector 3 of Verbo et al. includes four faces forming a cavity. However, the

four faces, as allegedly illustrated by the Office Action at page 6, are not part of a slide portion of the impact deflector 3 but instead, are merely part of a clamp. (Verbo et al., col. 2, lines 36 to 41). Indeed, the only component of the impact deflector 3 of Verbo et al. that may be considered a slide portion is the lower rib 33. Nonetheless, even assuming that the Office Action's interpretation is correct, which is not conceded, Verbo et al. still do not disclose that *a slide portion includes four planar faces forming a cavity*, as provided for in the context of claim 10, as presented.

Accordingly, it is respectfully submitted that the combination of Verbo et al. and Adams et al. does not disclose, or even suggest, all of the features included in claim 10, as presented.

Thus, as for claims 11 to 18, which ultimately depend from and therefore include all of the features included in claim 10, it is respectfully submitted that the combination of Verbo et al. and Adams et al. does not render unpatentable these dependent claims for at least the reasons more fully set forth above.

Claims 19 and 20, as presented, include features similar to those of claim 10, as presented. Accordingly, it is respectfully submitted that claims 19 and 20, as presented, are allowable for essentially the same reasons provided above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **IV. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: September 16, 2008

By: /Clifford A. Ulrich/  
Clifford A. Ulrich  
Reg. No. 42,194

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**